	Application No.	Applicant(s)
Notice of Allowability	10/659,980	HOVANEC, TIMOTHY A.
	Examiner	Art Unit
	Katherine Salmon	1634
	Ratherine Saimon	1034
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communicatio IGHTS. This application is subject	oplication. If not included in will be mailed in due course. THIS
1. This communication is responsive to 4/16/2007.		
2. The allowed claim(s) is/are <u>1-7</u> .		
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a)  All b) Some* c) None of the:		
1. Certified copies of the priority documents have been received.		
2. Certified copies of the priority documents have been received in Application No		
3.  Copies of the certified copies of the priority documents have been received in this national stage application from the		
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements' noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		
4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.		
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.		
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached		
1)  hereto or 2)  to Paper No./Mail Date		
. (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date		
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).		
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
Attachment(s)  1. Notice of References Cited (PTO-892)	5. Notice of Informal	Patent Application
Notice of Draftperson's Patent Drawing Review (PTO-948)	6. ⊠ Interview Summar	
	Paper No./Mail Da	ate <u>5/2/2007</u>
Information Disclosure Statements (PTO/SB/08),     Paper No./Mail Date	7. 🛛 Examiner's Amend	Iment/Comment
4.   Examiner's Comment Regarding Requirement for Deposit	8.   Examiner's Statem	nent of Reasons for Allowance
of Biological Material	9.  Other	
		·

Page 2

Application/Control Number: 10/659,980

Art Unit: 1634

## **EXAMINER'S AMENDMENT**

- 1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 5/02/2007, Carolyn Lu requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 03-3975 the required fee of \$60.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
- 2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carolyn Lu on 5/02/2007.

- 3. The application has been amended as follows:
- A) Claim 1 has been amended to delete "bacteria having 16S rDNA including the nucleotide sequence" in lines 9-10 and insert therefor -- the 16S rDNA having the

Application/Control Number: 10/659,980 Page 3

Art Unit: 1634

nucleotide sequence of SEQ ID NO: 1 or SEQ ID NO: 2, thereby forming a hybridized probe--.

- B) Claim 1 has been amended to insert --the-- in line 11 after the amount of.
- 4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine Salmon whose telephone number is (571) 272-3316. The examiner can normally be reached on Monday-Friday 8AM-430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner

Art Unit 1634

IUKLA, PH.D. PATENT EXAMINER